

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

JOSEPH JAMES MCGRATH,	)	CASE NO. 1:07 CV 1816
	)	
Plaintiff,	)	JUDGE SOLOMON OLIVER, JR.
	)	
v.	)	
	)	<u>ORDER</u>
GERALD MCFAUL, <u>et al.</u> ,	)	
	)	
Defendants.	)	

On June 16, 2007, pro se plaintiff Joseph James McGrath, an inmate at the Cuyahoga County Jail, filed this action under 42 U.S.C. § 1983 against the Cuyahoga County Sheriff Gerald McFaul, asserting that the jail lacks a law library and a grievance procedure which adequately addresses the concerns of prisoners. Along with the complaint, Mr. McGrath filed an Application to Proceed In Forma Pauperis. For the reasons stated below, this action is dismissed without prejudice.

The Prison Litigation Reform Act of 1995, Pub. L. No. 104-40, § 1(a), 110 Stat. 1327 (1996) amended 28 U.S.C. § 1915. Among the changes to the statute is a provision which prevents a prisoner from bringing a civil action or appealing a judgment in a civil action in forma pauperis if, on three or more prior occasions, the prisoner brought an action or appeal in a court of the United States that was dismissed on the grounds that it was frivolous, malicious or failed to state a claim

upon which relief may be granted. 28 U.S.C. § 1915(g).

Mr. McGrath has on at least three occasions filed a civil action which was dismissed pursuant to 28 U.S.C. § 1915(e) for failure to state a claim. See McGrath v. Wilkinson, No. 1:02 CV 490 (N.D. Ohio filed Mar. 13, 2002); McGrath v. Corrigan, No. 1:02 CV 67 (N.D. Ohio filed Jan. 11, 2002); and McGrath v. Management Training Corp., No. 1:02 CV 50 (N.D. Ohio filed Jan. 9, 2002). There are no allegations in the instant action suggesting Mr. McGrath is in imminent danger of serious physical injury. He therefore may not proceed in forma pauperis in this action.

Accordingly, this action is dismissed without prejudice. The court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

/S/SOLOMON OLIVER, JR.  
UNITED STATES DISTRICT JUDGE

September 5, 2007